

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ESTATE OF YARON UNGAR, et al.,)	
Plaintiffs-Judgment Creditors,)	Civil Action No. 2:06-MC-00106 (BK)
)	(D.R.I. Action No. 00-105L)
v.)	
THE PALESTINIAN AUTHORITY and)	
THE PALESTINIAN LIBERATION)	
ORGANIZATION,)	
Defendants-Judgment Debtors.)	

**SUR-REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF MOTION
TO QUASH AND IN OPPOSITION TO PLAINTIFFS' CROSS-MOTION TO COMPEL**

Plaintiffs would have the Court believe that because they were the victims of a terrible tragedy that the Federal Rules of Civil Procedure do not apply to them. But Plaintiffs, like all litigants, are bound by the Federal Rules, and because the subpoena they served on Dr. Ashrawi does not comply with those rules it should be quashed.

I. PLAINTIFFS' CLAIMS OF RULE 11 VIOLATIONS ARE BASELESS

In a thinly veiled effort to distract the Court from the lack of legal authority supporting their arguments, Plaintiffs twice accuse Dr. Ashrawi of violating -- or nearly violating -- Federal Rule of Civil Procedure 11.¹

First, Plaintiffs argue that it was improper for Dr. Ashrawi to bring to the Court's attention the fact that Plaintiffs' moving papers failed to include any admissible evidence supporting the keystone of their argument -- that Dr. Ashrawi is a member of the Palestinian

¹ Despite their accusations, Plaintiffs have neither moved for sanctions against Dr. Ashrawi nor requested that Dr. Ashrawi withdraw the pleading, a prerequisite for an award of sanctions.

Plaintiffs also claim that Dr. Ashrawi has been a “senior leader” of the PLO for decades. (Plaintiffs’ Reply at n. 1.) But, Dr. Ashrawi is not and has never been a member of the PLO, and Plaintiffs have submitted nothing -- not even inadmissible hearsay -- to the contrary.

As Dr. Ashrawi testified in her sworn declaration submitted with her motion to quash, she had absolutely nothing whatsoever to do with Plaintiffs’ murder and knows nothing about the case. Had Plaintiffs believed that Dr. Ashrawi was somehow responsible or liable for Plaintiffs’ death -- as the reply brief suggests -- they would have included her as a defendant in the underlying action.

II. DR. ASHRAWI IS NOT AN OFFICER OF THE PA

Plaintiffs provide no legal support for their argument that Dr. Ashrawi is an “officer” of the PA for purposes of Rule 45 because she allegedly is a member of the PLC. Instead Plaintiffs rely upon a mischaracterization of the PA’s governmental structure -- that could have and should have been made in their moving papers -- to argue that the PLC is “supreme” and that it “plays a far more powerful and centralized role” in the PA’s government than does our Congress.

(Plaintiffs’ Reply at 3.) But the facts do not bear out Plaintiffs’ claim.

Rather, as noted in the “fact sheet” relied upon by Plaintiffs, the “prime minister chooses a cabinet of ministers and *runs the government*, reporting directly to the president.” (*Id.*, at Ex. B) (emphasis added). Although there is nothing to suggest that Rule 45’s “officer of a party” includes anything other than corporate officers, if any governmental figure were to be an “officer” of the PA for purposes of Rule 45, it would be these members of the executive branch of the government, the president, prime minister and his cabinet. It is these individuals that are more arguably analogous to the corporate officers referenced in Rule 45 because they are responsible for the day to day operations of the Palestinian government.

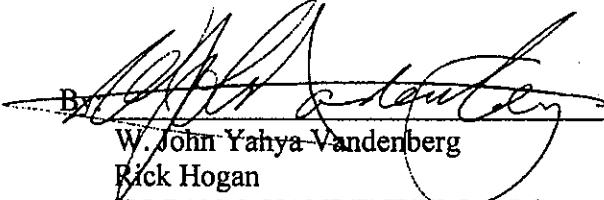
deposition to occur in Japan because "prudential, international comity-based considerations counsel that the Court refrain" from ordering a deposition in Japan.

CONCLUSION

For these reasons, Dr. Ashrawi respectfully requests that the Court issue an Order quashing the subpoena served upon her by Plaintiffs in this action.

Respectfully submitted,

Dated: July 14, 2006


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